

GOVERNMENT OF TELANGANA
ABSTRACT

Public Services - Dr.G. Balakishan Rao, Retired Civil Surgeon Specialist (GS) & In-charge Resident Medical Officer, District Hospital, Nizamabad - Departmental Proceedings under rule 20 of Telangana Civil Services (Classification, Control & Appeal) Rules, 1991 – Article of charges - Issued.

HEALTH, MEDICAL AND FAMILY WELFARE (VC.1) DEPARTMENT

G.O.Rt.No. 22

Dated: 12-01-2022

Read the following:-

1. G.O.Rt.No.916, HM&FW (VC.1) Department, Dated: 18/11/2003.
2. G.O.Rt.No.1306, HM&FW (VC.1) Department, Dated: 04/10/2006.
3. G.O.Rt.No.1119, HM&FW (VC.1) Department, Dated: 24/07/2012.
4. G.O.Ms.No.4, HM&FW (VC.1) Department, Dated: 12/01/2022.

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ORDER:

In pursuance of the sanction accorded by the Government under sub-clause (a) of sub-rule (6) of Rule 9 of the Telangana Revised Pension Rules, 1980 for instituting departmental proceedings against Dr.G. Balakishan Rao, Retired Civil Surgeon Specialist (GS) & In-charge Resident Medical Officer, District Hospital, Nizamabad, vide GO 4th read above, it is proposed to hold an enquiry against the said Dr.G.Balakishan Rao, Retired Civil Surgeon Specialist (GS) & In-charge Resident Medical Officer, District Hospital, Nizamabad in accordance with the procedure laid down under Rule 20 of Telangana Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or mis-behavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each articles of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom the article of charges are proposed to be sustained are enclosed in (Annexure-III & IV).

3. Dr.G. Balakishan Rao, Retired Civil Surgeon Specialist (GS) is directed to submit his written statement of defence within (10) days of the receipt of this order.

4. Dr.G. Balakishan Rao, Retired Civil Surgeon Specialist (GS) is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should therefore, specifically admit or deny each article of charges.

5. Dr.G.Balakishan Rao, Retired Civil Surgeon Specialist (GS) is further informed that if he does not submit his written statement of defence on or before the date specified in Para-3 above, it is construed that he has offer no explanation and further action will be processed based on the material available with the government.

6. Dr.G.Balakishan Rao, Retired Civil Surgeon Specialist (GS) is further informed that if he does not submit his written statement of defence on or before the date specified in para-3 above, or otherwise fails or refuses to comply with the provisions of Rules 20 of the Telangana Civil Services (Classification, Control & Appeal) Rules, 1991, or the orders / directions issued in pursuance of the said rules, the inquiring authority may hold the inquiry against him ex-parte.

7. Dr.G.Balakishan Rao, Retired Civil Surgeon Specialist (GS) & In-charge Resident Medical Officer, District Hospital, Nizamabad is requested to acknowledge the receipt of this G.O.

(P.T.O.)

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8. The Commissioner, Telangana Vaidya Vidhana Parishad, Hyderabad is requested to serve the G.O. and furnish the dated acknowledgment and explanation if any within the stipulated period to the Government for further action.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**S.A.M. RIZVI
SECRETARY TO GOVERNMENT**

To
Dr.G.Balakishan Rao, Retired Civil Surgeon Specialist (GS)
& In-charge Resident Medical Officer, District Hospital,
Nizamabad **through** the Commissioner, TVVP, Hyderabad.
(2 copies for service and return).
The Commissioner, Telangana Vaidya Vidhana Parishad, Hyderabad.
Copy to:
SF/SC

// FORWARDED:: BY ORDER //

SECTION OFFICER

ANNEXURE-I to G.O.Rt.No.22 , H.M & F.W (VC.1) Department,

Dated: 12/01/2022

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST DR.G. BALAKISHAN RAO,
FORMER CIVIL SURGEON SPECIALIST, DISTRICT HEAD QUARTERS HOSPITAL,
NIZAMABAD (RETIRED)

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CHARGE -1:

That Dr.Gunuganti Balakishan Rao, had joined Government Service on 23/04/1986. He worked as Civil Surgeon Specialist (GS) at District Head Quarters Hospital, Nizamabad from 16/06/2003 to 25/11/2004. While working in the Government Headquarters Hospital, Nizamabad, he has committed grave misconduct in as much as, he was trapped red-handedly when he demanded and accepted bribe amount of Rs.1,000/- on 23/10/2003 from Sri K.Narayana for doing official favour i.e. "performing operation to the right foot and to provide better treatment to Sri Madali Narayana, brother-in-law of Sri K.Narayana (complainant)". Thus Dr.G.Balakishan Rao has exhibited negligence of duties and thereby violated the provisions of Telangana Civil Services (Conduct) Rules, 1964.

Thus, Dr.G.Balakishan Rao, Civil Surgeon Specialist (GS), District Head Quarters Hospital, Nizamabad by his above mentioned act has exhibited lack of integrity, devotions to duty and conduct unbecoming of Public servant and thereby contravened the conduct Rules. Thereby, he is liable for departmental enquiry on the charges of demand and acceptance of bribe in terms of rule 9(6) of Telangana Revised Pension Rules, 1980 r/w Rule 3 (1) and (2) of Telangana Civil Services (Conduct) Rules, 1964.

S.A.M. RIZVI
SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-II to G.O.Rt.No.22 , H.M & F.W (VC.1) Department,
Dated: 12/01/2022

STATEMENT OF ARTICLES OF IMPUTATION OF MISCONDUCT AND MISBEHAVIOR IN SUPPORT OF ARTICLES OF CHARGES FRAMED AGAINST DR.G. BALAKISHAN RAO, FORMER CIVIL SURGEON SPECIALIST, DISTRICT HEAD QUARTERS HOSPITAL, NIZAMABAD (RETIRED)

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It was brought to the notice of the Government that Dr.G. Balakishan Rao, S/o Late Rajeshwar Rao, Occ: Civil Surgeon Specialist, District Head Quarters Hospital, Nizamabad now retired is a native of Konapur Village, Kamareddy Mandal, Nizamabad district. His date of birth is 05-04-1956. He joined in Government Service on 23.04.1986 as Civil Assistant Surgeon. He had worked as Civil Surgeon Specialist (GS), Government Head Quarters Hospital, Nizamabad from 16-06-2003 to till date of his suspension 25/11/2003 vide G.O.Rt.No.916, Dated: 18-11-2003 of Health, Medical & Family Welfare (VC-1(2)) Department, Hyderabad. He was retired from service on superannuation on 30-04-2014. He is here in after referred to as Government servant (GS).

Brief facts of the case are that, on 21-10-2003 at 8.00 AM the complainant Sri Kodappal Narayana, S/o. Kistaiah, Age:35 years, R/o. Madapur Village of Makloor Mandal, Nizamabad came to ACB Office, Nizamabad and gave an oral statement and it was reduced into writing by the Deputy Superintendent of Police, Anti Corruption Bureau, Nizamabad. The Complainant stated that he was living by doing coolie work. He has three sisters and a brother. His younger sister Padma was given in marriage to Sri Madali Narayana @ Konduru Narayana about 14 years back. His brother-in-law is also living by doing coolie work. About 2 months back an abscess was formed on the right foot of his brother-in-law Sri M.Narayana. He was treated in the village by local doctors for about a month. But the abscess did not heal and a cellulites gangrene was formed which spread upto the knee joint of right leg and his brother-in-law was admitted in the Government Hospital, Nizamabad on 14-10-2003. As his brother-in-law is having Anthyodaya Anna Yojana Ration Card, the In-charge Superintendent wrote on the case sheet to provide free Medical Aid. The C.M.O. sent his brother-in-law to General Surgery Department. Where he was admitted in Septic ward (M.S. Ward), vide admission No.20489. Initially Dr. Sanjay Singh Yadav attended on his brother-in-law. Thereafter the Government Servant attended to his brother-in-law. The Government Servant dragged the matter for 5 days stating that he will do operation today / tomorrow. On 18-10-2003 when the complainant requested the Government Servant to do operation, he demanded Rs.1,000/- as bribe for performing the operation immediately. Again on 20.10.2003 he met the Government Servant and requested him to reduce the bribe amount, but the Government Servant refused and informed that he would do the operation and provide better treatment, only after payment of bribe of Rs.1,000/-. Government Servant further told him that he would do the operation as and when bribe is paid by him.

As the complainant was not willing to pay any bribe amount to the Government Servant to get his work done, he came to the ACB Office, Nizamabad 21-10-2003 at 08.00 AM and narrated the above facts to the Deputy Superintendent of Police, Anti Corruption Bureau, Nizamabad and requested take necessary legal action against Dr. G.Balakishan Rao, Civil Surgeon Specialist & In-charge Resident Medical Officer, District Head Quarters Hospital, Nizamabad.

On receipt of the complaint the Deputy Superintendent of Police, Anti Corruption Bureau, Nizamabad made confidential enquiries regard to the genuineness of the complaint and the reputation of the Accused Officer, and a case in Crime No.11/RCT/ACB-NZB/2003, under section 7 of the PC Act of 1988 was registered on 23-10-2003 at 07.00 AM after obtaining permission from the competent authority and Investigated into.

Secured two official Mediators and trap was laid on 23-10-2003 at 15.30 hours against the Government Servant Dr. G.Balakishan Rao, Civil Surgeon Specialist & In-charge Resident Medical Officer, District Head Quarters Hospital, Nizamabad in the presence of Mediators, and Government Servant was trapped red handedly when he demanded and accepted bribe amount of Rs.1,000/- from the complainant for doing official favour i.e. "performing operation to the right foot and to provide better treatment to Sri Madali Narayana, brother-in-law of Sri K.Narayana".

Chemical test was conducted on the both hand fingers of the Government Servant. The test of right hand & left hand fingers yielded Positive results. The Deputy Superintendent of Police, Anti Corruption Bureau questioned the Government Servant Dr.Gunaganti Balakishan Rao, Civil Surgeon & In-charge Resident Medical Officer, District Head Quarters Hospital, Nizamabad to show the bribe amount, he stated that he took the bribe amount of Rs.1,000/- from the complainant Sri Narayana with his right hand counted with both hands and kept the tainted amount in his wearing shirt left side pocket. On the instructions of Deputy Superintendent of Police, the Government Servant took out from his wearing shirt and produced the tainted bribe amount. On the instructions of the Deputy Superintendent of Police, Anti Corruption Bureau, one of the Mediator took the amount from the Government Servant and compared with the numbers of currency notes in the mediator's report-1 and found tallied (i.e. 100/- X 10). The wearing shirt in which the Government Servant kept the bribe amount was also subjected for chemical test which also yielded positive result. The Deputy Superintendent of Police, Anti Corruption Bureau seized the tainted bribe amount of Rs.1,000/- and wearing shirt of Government Servant for the purpose of investigation.

The Deputy Superintendent of Police, Anti Corruption Bureau got transferred the three resultant solutions into three small glass bottles which were sealed, labeled and seized them along with sample of sodium carbonate powder used for chemical test duly attested by the Mediators and Deputy Superintendent of Police for further investigation.

Later the Deputy Superintendent of Police, Anti Corruption Bureau perused the following Records / Documents i.e. (1) Attendance Register maintained in a printed proforma from 9th day of September, 2003 to 23/10/2003 and the Government Servant was present from 18/10/2003 to 23/10/2003. (2) Case Sheet vide Register No.20489 of MS Ward it was found written in the name of Sri Narayana and it contains 14 sheets inclusive (One Additional OP. Ticket dated 14-10-2003, One refer slip dated 09-10-2003 and One Slip of Blood Group test dated 18-10-2003, in page three of case sheet contained the initials of Government Servant. (3) Main in-patient Register was maintained from 08-08-2003 to 23-10-2003 from Page No.1 to 70. On 14-10-2003 at 2.50 PM one Sri Narayana S/o Gopal, Age:30 years was admitted in the hospital and entries in this register were made at Sl.No.78 in page No.61 of the Register. The Deputy Superintendent of Police, Anti Corruption Bureau seized the Attendance Register, Case Sheet containing 14 Sheets and Xerox copy of Main in-patient Register duly attested by the mediators and the Deputy Superintendent of Police for the purpose of investigation, while the original registers was returned to the Hospital authorities.

The Government Servant Dr. Gunaganti Balakishan Rao, Civil Surgeon & In-charge Resident Medical Officer, District Head Quarters Hospital, Nizamabad was arrested on 23-10-2003 at 18.40 hours after informing the grounds for his arrest and arrest intimation was given to Sri D.L.N. Swamy, Hospital Superintendent, District Head Quarters Hospital, Nizamabad after complying with the provision of 50 (a) Cr.P.C.

The accused Officer Dr. Gunaganti Balakishan Rao, Civil Surgeon & In-charge Resident Medical Officer, District Head Quarters Hospital, Nizamabad was sent to the Government Area Hospital, Nizamabad for Medical examination on 23-10-2003. The Government Servant Dr. Gunaganti Balakishan Rao, Civil Surgeon & In-charge Resident Medical Officer, District Head Quarters Hospital, Nizamabad was produced before the Hon'ble Principal Special Judge for ACB Cases Court, Hyderabad under the escort of HC-393 and PC-47. Subsequently the Hon'ble Court released the Government Servant on bail on the same day.

After completion of investigation Draft Final Report was sent to Head Office on 12-10-2003. Subsequently, a final report sent the Principal Secretary to Government, Health, Medical & Family Welfare (VC.I(1)) Department, Telangana, Hyderabad by the Director General, Anti Corruption Bureau, Telangana, Hyderabad through Vigilance Commissioner, Telangana, Hyderabad on 29-03-2004 seeking sanction 44, order for prosecution of the Government Servant in the court of law. However, the Government of Telangana after examination the records referred the matter to the Commissioner of Inquiries (COI) for enquiry instead of prosecution against the Government Servant Dr. Gunaganti Balakishan Rao, Civil Surgeon & In-charge Resident Medical Officer, District Head Quarters Hospital, Nizamabad vide Government Memo.No.22927/VC1.(2)/2003-5.

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Thus the Government servant while working as Civil Surgeon Specialist, District Head Quarters Hospital, Nizamabad from 16/06/2003 to 25/11/2004, committed grave misconduct in as much as he was trapped red handedly when he demanded and accepted bribe amount of Rs.1,000/- from the complainant for doing official favour i.e., "performing operation to the right foot and to provide better treatment to Sri Madali Narayana, brother-in-law of Sri K.Narayana (Complainant)". And failed to write in the case sheet about the clinical findings and exhibited gross negligence in treating the patient.

Thus, the Government servant by his above mentioned acts has exhibited lack of integrity devotion to duty conduct unbecoming of a public servant and thereby contravened conduct rules. Thereby liable for departmental enquiry on the charges of demand and acceptance of bribe in terms of rule 9(6) of Telangana Revised Pension Rules, 1980 read with Rule 3 (1) and (2) of Telangana Civil Services (Conduct) Rules, 1964.

**S.A.M. RIZVI
SECRETARY TO GOVERNMENT**

SECTION OFFICER

ANNEXURE-III to G.O.Rt.No.22 , H.M & F.W (VC.1) Department,

Dated: 12/01/2022.

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGES FRAMED AGAINST DR.G. BALAKISHAN RAO, FORMER CIVIL SURGEON SPECIALIST, DISTRICT HEAD QUARTERS HOSPITAL, NIZAMABAD, ARE PROPOSED TO BE SUSTAINED (RETIRED)

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1. F.I.R. in Crime No.11/RCT/ACB-NZB/2003, Dated: 23-10-2003.
2. Mediators Report-I & II, dated: 23-10-2003.
3. Statement of the complainant.
4. Statement of the patient Sri M. Narayana @ K. Narayana.
5. Statement of Sri D.L.N.Swamy, Superintendent, Civil Surgeon Physician, District Head Quarters Hospital, Nizamabad.
6. Statement of Dr. Bheem Singh, Civil Surgeon, In-charge Superintendent, District Head Quarters Hospital, Nizamabad.
7. Attendance Register of Regular doctors maintained from September, 2003 to 23.10.2003 at District Head Quarters Hospital, Nizamabad.
8. One case Sheet of Sri M.Narayana vide registered No.20489 containing 1 to 14 sheets.
9. Extract of the O.T. Register dated: 24-10-2003 attested by Superintendent, District Head Quarters Hospital, Nizamabad.
10. Extract of the page No.61 of main Patient Admission Register (M.S. Ward Male).
11. Certified copy of Anthoyodaya Anna Yojana Ration Card No.105289 issued in the name of Sri Narayana.

**S.A.M. RIZVI
SECRETARY TO GOVERNMENT**

SECTION OFFICER

ANNEXURE-IV to G.O.Rt.No.22, H.M & F.W (VC.1) Department,
Dated: 12/01/2022.

LIST OF WITNESS BY WHOM THE ARTICLE OF CHARGES FRAMED AGAINST DR. G. BALAKISHAN RAO, FORMER CIVIL SURGEON SPECIALIST, DISTRICT HEAD QUARTERS HOSPITAL, NIZAMABAD, ARE PROPOSED TO BE SUSTAINED (RETIRED)

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1. Sri Kodappal Narayana, S/o. Kistaiah, Age:35 years, R/o. Madapur Village of Makloor Mandal, Nizamabad (Complainant).
2. Sri Madali Narayana @ Konduru Narayana (patient) (mention full details).
3. Sri N.Srinivasulu, AEE, R&B, Navipet (Mediator) (mention full details).
4. Sri Abdul Saleem, Senior Assistant, Office of the District Registrar of Assurance, Nizamabad (Mediator) (mention full details).
5. Sri D.L.N.Swamy, Superintendent, Civil Surgeon Physician, District Head Quarters Hospital, Nizamabad.
6. Dr. Bheem Singh, Civil Surgeon In-charge Superintendent, District Head Quarters Hospital, Nizamabad.
7. Sri P. Ramachandra Rao, Inspector, Anti Corruption Bureau, Nizamabad.
8. Sri Ch. Ravi Kanth, Inspector, Anti Corruption Bureau, Nizamabad.
9. Sri D. Amarnatha Naidu, Inspector, Anti Corruption Bureau, Hyderabad Range.

S.A.M. RIZVI
SECRETARY TO GOVERNMENT

SECTION OFFICER